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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,297	08/30/2006	Gay Joyce Cornelius	102792-608-10458P1 US	8924
27389 7590 08/31/2007 NORRIS, MCLAUGHLIN & MARCUS 875 THIRD AVE 18TH FLOOR NEW YORK, NY 10022			EXAMINER MAHONE, KRISTIE ANNETTE	
			ART UNIT 3751	PAPER NUMBER
			MAIL DATE 08/31/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/597,297

Applicant(s)

CORNELIUS ET AL.

Examiner

Kristie A. Mahone

Art Unit

3751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 7/19/2006
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract of the disclosure is objected to because it includes legal phraseology ("comprises" at line 1). Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3,9,10,13,15-16, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Fuld, et al (2,251,734).

Fuld, et al show a fluid dispensing device with a reservoir (70) of liquid and a syphonic-action elongate delivery means (76) with a proximate end inside the reservoir, adjacent the bottom thereof, and distal end which dispenses the fluid in liquid form (Figs 1-3; Col. 3). Delivery means 76 is self-priming wick which feeds the liquid from the reservoir by capillary action (Col. 1, line 55). The liquid passes from the distal end onto a tray (40) with an absorbent body (78) and then to the locus to be treated. Also, note that the liquid is of a type that evaporates from the distal end to yield an air-modifying

vapor (Col. 3, lines 49,70). The device may be secured to the rim of a lavatory cistern via fastening means 24 (See Fig. 3, col. 2, lines 25-30).¹

4. Claims 1,4-12,14, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Ewing, et al (3,316,559).

Regarding claims 1, 10,14, and 18², Ewing et al show a fluid dispensing device (15) with a reservoir (as at 18) of liquid and a syphonic-action elongate delivery means (plastic tube, 20) with a proximate end (20a) inside the reservoir, adjacent the bottom thereof, and a distal end (17) which dispenses the fluid as a vapor (Figs. 2-4; Col. 2, lines 5-25).

Regarding claims 4-9, as shown in Figure 3, device 15 is adapted to be secured to the rim of a vessel such as a lavatory bowl or cistern. The device has a portion that extends over the rim (18b, 34) of the vessel (bowl 10) and a portion that extends downwardly (16b) into the vessel which together define a generally U-shaped opening which resiliently engages the rim of the vessel. The reservoir is disposed outside the vessel while the distal end of the liquid delivery means lies inside the vessel. Also, note that the liquid delivery means is in contact with each portion of the U-shaped opening (18b,34,16b).

Regarding claims 11 and 12, note that the device has a flexible wall (as at 18a) which the user may compress to prime the symphonic-action liquid delivery means.

Claim Rejections - 35 USC § 103

¹ The method of dispensing specified in claim 18 is anticipated by the normal operation of the disclosed apparatus.

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5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fuld et al (as discussed above) in view of MoodyCliffe et al (2004/0049839).

Fuld, et al do not specify a non-drying liquid, as claimed. MoodyCliffe et al, however, disclose a lavatory dispenser wherein the active liquid contains a humectant to prevent phase separation and precipitation; i.e. drying (Para. 0021). Therefore, it would have been obvious to person of ordinary skill in the art at the time the invention was made to have utilized a liquid with humectant in Fuld's dispenser to prevent accumulation of solid residue.

Conclusion

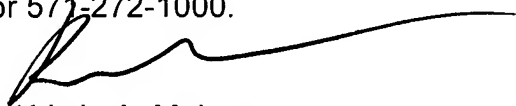
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Klamstein (5,457,822), Ewing et al (2,760,209), and Kuss (2,770,492), each cited to show similar dispensing assemblies. Also, Klinkhammer et al (6,817,040) is cited to show a sintered capillary feed means.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie A. Mahone whose telephone number is (571) 272-3680. The examiner can normally be reached on Monday -Friday 8:30A.M-5 P.M..

² The method of dispensing specified in claim 18 is anticipated by the normal operation of the disclosed apparatus

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on (571) 272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Kristie A. Mahone
Examiner
Art Unit 3751



GREGORY HUSON
SUPERVISORY PATENT EXAMINER
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